IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DANVILLE DIVISION

| UNITED STATES OF AMERICA, |) | |
|---------------------------|---|---------------------|
| |) | |
| v. |) | Case No.4:18CR00012 |
| |) | |
| JALEN CORMARRIUS TERRY, |) | |
| |) | |
| Defendant. |) | |

<u>DEFENDANT JALEN CORMARRIUS TERRY'S SUPPLEMENTAL</u> <u>MOTION TO DISMISS SECTION 924(c) COUNTS</u>

Now comes Defendant Jalen Cormarrius Terry ("Terry") pursuant to Rules 8 and 12(b)(3) of the Federal Rules of Criminal Procedure and other applicable law and supplements his previously filed and still pending Motion to Dismiss Counts Three and Seven of Indictment (Document 112) and Motion to Dismiss Counts Five and Nine of Indictment (Document 233).

As explained in the memorandum Terry shall file in support of this supplemental motion, the grand jury's inclusion of Counts Three, Five, Seven and Nine in the Indictment exceeds the proper unit of prosecution under 18 U.S.C. § 924(c)(1), subjects Terry to unwarranted criminal liability and exposes him improperly to multiple, consecutive sentences.

Wherefore, the Court should dismiss Counts Three, Five, Seven and Nine.

JALEN CORMARRIUS TERRY

By: s/Paul G. Beers
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Certificate of Service

I hereby certify that on May 9, 2019, I electronically filed the foregoing Defendant Jalen

Cormarrius Terry's Supplemental Motion to Dismiss Section 924(c) Counts with the Clerk of the

Court using the CM/ECF system which will send notification of such filing to Ronald M. Huber,

Esq., Managing Assistant United States Attorney, United States Attorney's Office, 255 West

Main Street, Charlottesville, Virginia 22902, and to Heather L. Carlton, Esq., Assistant United

States Attorney, United States Attorney's Office, 255 West Main Street, Charlottesville, Virginia

22902.

s/Paul G. Beers

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